

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:	)	Chapter 11
	)	Case No. 09-35697
My Ranch, Inc.	)	
d/b/a Fresh Harvest Market	)	
	)	Judge Schmetterer
Debtor and Debtor in Possession	)	
_____	)	
	)	Chapter 11
Cecilia N. Johnson	)	Case No. 09-37011
	)	
Debtor and Debtor in Possession	)	Hearing: May 10, 2010 at 10:00am

**NOTICE OF EMERGENCY MOTION**

To: See attached service list

PLEASE TAKE NOTICE that on May 10, 2010, at the hour of 10:00am, an **EMERGENCY MOTION TO AMEND AN ORDER OF COURT DATED MARCH 23, 2010**, shall be heard before the Honorable Jack B. Schmetterer, or any other Judge sitting in his stead, in Courtroom 682, Dirksen Federal Building, 219 S. Dearborn St., Chicago, IL 60604. A copy of same is attached hereto and thereby served upon you. You may appear if you so see fit.

/s/ Philip Groben  
One of Debtor's attorneys

Forrest L. Ingram, P.C.  
Forrest L. Ingram #3129032  
Philip Groben  
Michael Ohlman  
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Chicago, IL 60603  
(312) 759-2838

**CERTIFICATE OF SERVICE**

I, Philip Groben, an attorney, certify that I caused a true and correct copy of the above and foregoing Notice on all parties entitled to service, by electronic filing through ECF, or by regular U.S. mail, as set forth on the attached service list, on March 2, 2010.

/s/ Philip Groben

**SERVICE LIST**

**Via CM/ECF**

**US Trustee**

William T. Neary  
Office of the United States Trustee  
Northern District of Illinois  
219 S. Dearborn St., Room 873  
Chicago, IL 60604

**National City Commercial Capital Company, LLC**

**Vincent T Borst**

Borst & Collins, LLC  
180 N Stetson Ave Suite 3050  
Chicago, IL 60601

**Huntington National Bank**

**Monette W Cope**

Weltman Weinberg & Reis Co LPA  
180 North LaSalle St Ste 2400  
Chicago, IL 60601

**Illinois Department of Revenue**

**Faith Dolgin**

Illinois Attorney General  
100 W Randolph St 13th Floor  
Chicago, IL 60601

**Fifth Third Bank**

**David L Hazan**

Diver, Grach, Quade & Masini LLP  
111 North County Street  
Waukegan, IL 60085

**Coactiv Capital Partners, Inc.**

**David P. Vallas**

Wildman Harrold Allen & Dixon  
225 West Wacker Drive  
Chicago, IL 60606

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**DEBTOR'S EMERGENCY MOTION TO AMEND ORDER OF MARCH 23, 2010**

NOW COMES Debtor and Debtor in Possession, My Ranch, Inc., by and through its attorneys at Forrest L. Ingram, P.C., and for its Motion to Sell Certain Receivables, states:

1. The Debtor, My Ranch, Inc. ("My Ranch") filed its petition for relief under chapter 11 of the Bankruptcy Code on September 29, 2009.
2. The Debtor remains in possession of its assets and continues to operate its business pursuant to 11 U.S.C. §§ 1107 and 1108.
3. This Court has jurisdiction of this Motion pursuant to 28 U.S.C. §§157 and 1134. Venue is proper pursuant to 28 U.S.C. §§1408 and 1409. The subject matter of this motion is a core proceeding pursuant to 28 U.S.C. §157(b)(2).
4. Prior to seeking bankruptcy protection, My Ranch sought financing to purchase the inventory it needed to jump-start its business after being closed for two years to complete renovations and rehabbing of the business premises. At the last minute the lender refused to extend a loan.

5. It is essential to Debtor's successful reorganization to purchase sufficient inventory to be able to increase monthly sales and ultimately generate the funds needed to pay its ongoing expenses and to repay its debts over five-years as set forth in Debtor's plan, filed March 2, 2010.

6. On two previous occasions, the Debtor has obtained financing from a third party financing company, The Business Backer ("TBB").

7. On March 23, 2010, this Court entered an order authorizing the Debtor to sell its current and future receivables, including credit card receivables to TBB. The Debtor received \$27,000.00 in exchange for assigning 15% of every customer credit card transaction until a total amount of \$35,100.00 is repaid to TBB. The order of March 23, 2010 is attached hereto as **Exhibit A**.

8. Prior to entering into bankruptcy, the Debtor entered into a similar transaction with TBB, and successfully repaid its debt in the ordinary course of business.

9. It is important that the Debtor enter into another transaction with TBB as soon as possible in order to secure a stable supply chain and ensure consistent store inventory levels. See affidavit of Rasheeda Oghafua, attached hereto as **Exhibit B**.

10. The terms of the new transaction with TBB are similar to the transaction authorized on March 23, 2010. My Ranch shall receive \$27,000.00 from TBB, and TBB shall receive 19% of customer credit card transactions until the sum of \$37,800.00 is reached; whereupon TBB shall be fully repaid.

11. When Debtor filed its chapter 11 petition, it did not have any pre-petition receivables; thus there is no lien on Debtor's post-petition receivables, and Debtor can sell the prospective receivables without affecting the rights of any secured creditor.

12. The Debtor deems the terms offered by The Business Backer to be fair and reasonable under the circumstances, and necessary for the Debtor's reorganization.

13. The Debtor also requests the authority to enter into similar transactions with TBB in the ordinary course of its business, without further Court approval.

**WHEREFORE**, the Debtor, My Ranch, Inc., prays this Court to enter an order granting Debtors the authority sell \$37,800 of its receivables to The Business Backer in order to finance the Debtor's purchase of inventory, and for the authority to enter into similar future transactions as part of the ordinary course of business without further court approval. Debtor asks for such other and further relief as may be just.

Respectfully submitted,

My Ranch, Inc., d/b/a Fresh Harvest Market

By: /s/ Philip Groben  
One of its attorneys

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